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6 August 1969

MEMORANDUM FOR THE RECORD

**SUBJECT: Senate Constitutional Rights Subcommittee Meeting on
6 August 1969 re S. 782**

1. Received a call from Miss Marcia MacNaughton, Professional Staff Member, Senate Subcommittee on Constitutional Rights, who advised that the Subcommittee discussed various amendment proposals this morning but did not get to a vote. They looked particularly at sections 3, 4, and 5 and the question of authorization for exemptions by the head of an agency when national security is involved. Consideration was given to exemption by classes or employment categories rather than determination of individual cases. The question of utilization and following of agency grievance procedures whenever a complaint is filed, prior to submission to the Board on Employees' Rights, was also discussed. She advised that Mr. Ervin is playing around with a provision that would require that a complainant should have an attorney of his choosing whenever making a statement concerning charges against him or attending a hearing, provided the attorney has been cleared by the agency.

2. Miss MacNaughton noted that provision would possibly be made that no security information would be released or used in the presence of counsel, or before the Board, or in court proceedings, and that a certification by the director that classified material is involved would be sufficient.

3. In summary, Miss MacNaughton advised that the Subcommittee came up with a number of amendments that needed to be worked up, but that "by and large they tended to give us pretty much" what we wanted. She advised that no date was set for the Subcommittee to meet again, but rather thinks that if the Chairman can work the amendments out with Senators Bayh and Hruska he will probably poll the membership by letter and then forward the bill to the full Committee.

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4. I inquired concerning the provision relating to the section 102(c) authority of the DCI and NSA statutory authority. Miss MacNaughton advised that these provisions were knocked out since Justice Department (the FBI) also enjoys similar authority through a rider to the Appropriations Act and to include this and possibly other authorities becomes confusing. She also stated that Senator Ervin just does not want to include any matters not related to the bill.

5. The question of separate responses to the Chairman's letter of 1 August concerning personality testing was also discussed. Miss MacNaughton advised that the pressure is off now that the Subcommittee meeting has been held, but that the Chairman would appreciate a written response. Separate responses from CIA and NSA would be helpful.

SIGNED

[Redacted Signature]

Assistant Legislative Counsel

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